(3)
C.F (100)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. NO. 3966 /2004

PETITIONER :, Rewa Ram Sahu , S/o Shri Pyari Ram Sahu aged about 39 years Occupation – Constable No. 194 P.S. D.K.P. Line Distt. Kanker (C.G.)

P.R. No. 3964/04
Presented by Shri Alok Pandey
dated 18/10/2004

VERSUS

RESPONDENTS :

1. The State of C.G.
   Through the Secretary of
   Home Police Deptt.
   D.K.S. Bhawan, Raipur (C.G.)
2. Director General of Police Raipur
   Dist. Raipur (C.G.)
3. Superintendent of Police ~~Bastar~~, Kanker
   Distt. ~~Bastar~~ Kanker

पथ आयुक्त
बिलासपुर संभाग
18/10/04

CERTIFIED COPY
18.10.2004
Deputy Registrar
High Court of C. Bilaspur

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS CERTIORARI ETC OR ANY OTHER DIRCTIONS OR ORDER TO DO JUSTICE IN THE MATTER

1. PARTICULARS OF THE PETITIONER :

(41)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION NO.3966 OF 2004

Petitioner : Rewa Ram Sahu

Versus

Respondents : The State of C.G. and others

Present : Mrs. Renu Kochar, counsel for the petitioner.
Ms. Deepali Pandey, Panel Lawyer for the State/respondents.

ORDER

(Passed on 22nd Day of February, 2007)

By this petition, filed under Articles 226/227 of the Constitution of India, the petitioner impugns the order dated 22-9-2004 (P-6), whereby the respondents have rejected the representation of the petitioner filed in pursuance of the order dated 20-8-2004 passed by this Court in Writ Petition No.2568 of 2004 and have confirmed the transfer order dated 31-7-2004 (P-1). The petitioner has been ordered to comply with the transfer order dated 31-7-2004 (P-1).

2. Be that as it may, with the passage of time, this petition has become infructuous as period of transfer is not applicable forever. At this point of time, there is no question to examine the validity of the impugned transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and

(92)

administrative exigency, without insisting on compliance of the impugned transfer order.

3. It is well settled principle of law that transfer is an incident of service and it is for the employer to decided as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved *mala fide*, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.

4. In view of the above, the writ petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal